IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 934 OF 2007

Neo-Pharma Pvt.Ltd .. Petitioner

vs

Union of India & anr .. Respondents

Mr.Sanju Ahooja for Petitioner

Ms.S.V.Bharucha for Respondents

CORAM : Dr.S.Radhakrishnan
and V.C.Daga, JJ

DATED : 27th June, 2007

P.C.

1. Heard learned counsel for the petitioner and respondents.

2. By this petition, the petitioner is seeking refund based on an order passed by respondent no.2 dated 19th September, 1996. Learned counsel for the respondents pointed out to us that there is no such order passed by the respondent no. Today, the learned counsel for the petitioner is not able to controvert the same with any authentic record. The petitioner doesnot even have a xerox copy of the said order much less the original. Over and above, the present petition has been lodged on 11th April, 2007 with regard to a refund order dated 19th September, 1996. There is only one bald allegation that the petitioner had repeatedly requested for refund. However, learned counsel for the

petitioner fairly stated that there was no written request made for such a refund. Even with regard to oral request, there is no averment in the petition and no particulars are given. We are not convinced with the bonafides of the petitioner's claim. The petition appears to be a clear case of abuse of judicial process aggravated by gross delay also. Under these circumstances, we dismiss the above petition with costs quantified at Rs.10,000/-. The amount of costs shall be paid to the respondents within two weeks from today.

(V.C.Daga, J) (Dr.S.Radhakrishnan, J)